

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA

IN RE: . Case No. 08-35653 (KRH)
. .
. Chapter 11
. Jointly Administered
CIRCUIT CITY STORES, .
INC., et al., . 701 East Broad Street
. Richmond, VA 23219
. .
Debtors. .
. January 5, 2012
. 2:09 p.m.

TRANSCRIPT OF OMNIBUS HEARING
BEFORE HONORABLE KEVIN R. HUENNEKENS
UNITED STATES BANKRUPTCY COURT JUDGE

APPEARANCES:

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1 COURTROOM DEPUTY: All rise. Court is now in
2 session. Please be seated and come to order.

3 COURT CLERK: In the matter of Circuit City Stores,
4 Incorporated, hearing on Items 1 through 38 as set out on
5 proposed agenda.

6 MS. BERAN: Good afternoon, Your Honor.

7 THE COURT: Good afternoon, Ms. Beran.

8 MS. BERAN: For the record, Paula Beran on behalf of
9 the Circuit City Stores, Inc. liquidating trust. With me this
10 afternoon at counsel's table, Ms. Katie Bradshaw has returned
11 back and is accompanying me this morning. And I believe on the
12 phone also this afternoon is Mr. Andrew Caine.

13 THE COURT: All right. Thank you.

14 MS. BERAN: Your Honor, the agenda is a rather
15 lengthy document. However, I don't believe it should take that
16 long in that most of the matters are being continued until the
17 March omnibus date. This -- a couple hours ago, Your Honor, I
18 did file an amended Exhibit B, in essence. And when I filed
19 it, I black lined it. I also have copies for Your Honor.

20 THE COURT: That would be wonderful.

21 MS. BERAN; It just adds a couple of matters that
22 have been resolved since we filed it on Tuesday, as well as
23 there were a couple instances where people said, oh, I thought
24 I was one of the parties that was getting an extension and we
25 agreed to go ahead and give them the extension. So, we've

1 added several items. But --

2 THE COURT: Actually, my law clerk has beat you to
3 the punch. He's already got it loaded on the screen up here.

4 MS. BERAN: Okay, Your Honor. And that --

5 THE COURT: So, I've got the amended --

6 MS. BERAN: And the document that was filed was black
7 lined so you will see the differences from a black line
8 perspective.

9 THE COURT: All right. Thank you.

10 MS. BERAN: You're welcome, Your Honor. Your Honor,
11 in addition, I apologize, as it relates to the agenda and I
12 think in most places as well as on that -- the status chart
13 indicates the next omnibus hearing or the omnibus hearing from
14 which we're continuing this to is a March 8th omnibus date.
15 And that date has since been changed or has been changed to
16 March 6th. And I apologize, I used the old date. Your Honor
17 does not have hearings on the 8th so it was changed to March
18 6th. And so, everywhere on the agenda that it says March 8th
19 should be March 6th, Your Honor.

20 THE COURT: And I think that that change was made to
21 accommodate the Court and that's certainly fine.

22 MS. BERAN: Thank you, Your Honor. Your Honor, then,
23 turning to the agenda items. The first matter on today's
24 docket was a matter that was filed in one of the adversary
25 proceedings in connection with a motion to compel discovery. I

1 am happy to report, Your Honor, that in connection with the
2 filing of that motion, it did get one of the desired results
3 and that was a response and attention to some details that had
4 been, from our perspective, overlooked. The parties are now
5 speaking again and they're attempting to work out the discovery
6 issues, as well as some other issues. And so, we'd
7 respectfully request that this matter be continued until
8 February 21.

9 THE COURT: All right. It'll be continued to
10 February 21.

11 MS. BERAN: Thank you, Your Honor. Your Honor, that
12 then brings us to the next category of items on the agenda and
13 those are all related to claims objection.

14 Item Number 2 is the debtors' nineteenth omnibus
15 objection. As it relates to the one remaining claim on that
16 item, Your Honor, we'd respectfully request that the status
17 hearing be continued until the March 6th omnibus hearing date.

18 THE COURT: That'll be continued to the March 6th
19 date.

20 MS. BERAN: Thank you, Your Honor. Item Number 3,
21 Your Honor, is the debtors' thirty-first omnibus objection.
22 There still are several items that remain subject to that
23 objection and we'd respectfully request that they be continued
24 until March 6th omnibus date.

25 THE COURT: They'll be continued to the same March

1 6th date.

2 MS. BERAN: Thank you, Your Honor. Similarly, Item
3 Number 4 is the debtors' thirty-seventh. There are several
4 that remain outstanding on that and we'd respectfully request
5 that they be continued for status to the March 6th date.

6 THE COURT: And that'll be continued to March 6.

7 MS. BERAN: Thank you, Your Honor. That then brings
8 us to Item Number 5 on Page 11, the debtors' sixtieth omnibus
9 objection. There is still one claim that remains outstanding
10 subject to that objection and we'd respectfully request the
11 status be continued to March 6th for that one.

12 THE COURT: It'll be continued to March 6.

13 MS. BERAN: Similarly, Your Honor, Item Number 6,
14 there is one remaining claim subject to that objection and we'd
15 respectfully request that it be continued until the March 6th
16 omnibus hearing date.

17 THE COURT: And it'll be continued to March 6.

18 MS. BERAN: Thank you, Your Honor. Item Number 7,
19 Your Honor, is debtors' seventy-ninth omnibus objection. There
20 are still a couple of items that remain subject to that omnibus
21 objection. We'd respectfully request that they be continued
22 until the March 6th omnibus hearing date.

23 THE COURT: They'll be continued to March 6.

24 MS. BERAN: Thank you, Your Honor. Your Honor, that
25 now brings us to the -- what the trust has commonly referred

1 to, Your Honor, and refers elsewhere, as the stand-alone
2 objections. In connection with this, Item Number 8 is the
3 objection to the claim of the California Board of Equalization.
4 We'd respectfully request that the status matter on that be
5 continued till March 6th.

6 THE COURT: That'll be continued to March 6.

7 MS. BERAN: Thank you. Similarly, Your Honor, Number
8 9 is the objection to the claim of the Arizona Department of
9 Revenue. And we'd respectfully request that it be continued
10 for status purposes till March 6th.

11 THE COURT: That'll be continued to March 6.

12 MS. BERAN: Thank you, Your Honor. Your Honor, Item
13 Number 10 was the motion and the objection to the claim of the
14 New York Department of Finance. In addition, Your Honor, there
15 was a notice and cross-motion of the New York City Department
16 of Finance for leave to amend and increase tax priority Claim
17 Number 2297. I am happy to report, Your Honor, that those
18 matters have been resolved pursuant to procedures previously
19 approved by this Court. And the matters may be removed from
20 the Court's docket.

21 THE COURT: Okay. That's excellent.

22 MS. BERAN: Your Honor, Item Number 11 is the
23 objection to the claim of the Tennessee Department of Revenue.
24 We'd respectfully request that that be continued till the March
25 6th omni for status purposes.

1 THE COURT: It'll be continued.

2 MS. BERAN: Thank you, Your Honor. Your Honor, as it
3 relates to Item Number 12, that's the objection to the claim of
4 the Wisconsin Department of Revenue. We'd respectfully request
5 that be continued until March 6th for status purposes.

6 THE COURT: It'll be continued to March 6.

7 MS. BERAN: Thank you, Your Honor. Your Honor, on --
8 the thirteenth item is the claim objection to the Louisiana
9 Department of Revenue's claim. We'd respectfully request that
10 that be continued to March 6th, as well, for status purposes.

11 THE COURT: It'll be continued to March 6.

12 MS. BERAN: Thank you, Your Honor. Item Number 14th
13 is the claim objection to the Commonwealth of Massachusetts
14 claim. Similarly, we'd respectfully request that that be
15 continued for status purposes to March 6th.

16 THE COURT: Be continued to March 6.

17 MS. BERAN: Your Honor, Item Number 15 is the
18 objection to the claim of the State of New Jersey. We'd
19 respectfully request that that matter be continued until the
20 March 6th omnibus date.

21 THE COURT: It'll be continued to March 6.

22 MS. BERAN: Your Honor, Item Number 16 is the
23 objection to the claim of the Commonwealth of Virginia
24 Department of Taxation. We'd respectfully request that that be
25 continued until March 6th for status purposes.

1 THE COURT: It'll be continued to March 6.

2 MS. BERAN: Thank you, Your Honor. Your Honor, that
3 then brings us to the liquidating trust's omnibus objections.
4 Item Number 17 is the liquidating trust's first omnibus
5 objection. In connection with that matter, Your Honor, there
6 are still those items upon which a response was filed and which
7 the trust continues to try and reconcile with the claimant
8 and/or those instances where the trust has been contacted.

9 The trust has agreed that no response needed to be
10 filed and has agreed to continue status hearings. And before,
11 I had previously referred to that as -- are Categories A and B.
12 In connection with that, Your Honor, as identified on Exhibit
13 B, we'd respectfully request that those matters be continued
14 until the March 6th, for status purposes.

15 THE COURT: All right. Those matters will be
16 continued to March 6.

17 MS. BERAN: Thank you, Your Honor. That then takes
18 us to Page 27 on the agenda. I'm happy to report that a couple
19 items on the liquidating trust's second omnibus objection have
20 been resolved pursuant to procedures approved by this Court, as
21 identified on Exhibit B, and those may be removed from the
22 Court's docket. There are also the Category A and B claimants
23 and we'd respectfully request that those be continued until the
24 March 6th omnibus hearing.

25 THE COURT: They'll be continued to March 6.

1 MS. BERAN: Thank you, Your Honor. Item Number 19 is
2 the liquidating trust's third omnibus objection. Those -- that
3 objection still has the Category A and B type
4 response/claimants and we'd respectfully request that they be
5 continued until the March 6th hearing for status purposes.

6 THE COURT: They'll be continued to March 6.

7 MS. BERAN: Thank you, Your Honor. Item Number 20,
8 the liquidating trust's fourth omnibus objection, as identified
9 on Exhibit B, Your Honor, couple of those have been settled
10 pursuant to procedures previously approved by Your Honor and
11 therefore they may be removed from the Court's docket. In
12 connection with the Category A/B claims or responses, we'd
13 respectfully request, as identified on Exhibit B, that those be
14 continued until March 6th.

15 THE COURT: They'll be continued to March 6.

16 MS. BERAN: Thank you, Your Honor. On Page 33 of the
17 agenda, Your Honor, Item Number 21, the liquidating trust's
18 fifth omnibus objection, as Your Honor will see on Exhibit B,
19 there have been numerous settlements in -- related to that
20 omnibus objection, I'm happy to report. And those may be
21 removed from the Court's docket pursuant to procedures
22 previously approved by Your Honor.

23 There still remain the A/B type claimants/responses
24 and we'd respectfully request that they be continued until
25 March 6th omnibus hearing date for status purposes.

1 THE COURT: They'll be continued to March 6.

2 MS. BERAN: Thank you, Your Honor. Item Number 22 is
3 the liquidating trust's sixth omnibus objection to claims.
4 That objection does still have the A/B type
5 claimants/respondents subject to it and we'd respectfully
6 request, as identified on Exhibit B, that they be continued
7 until the March 6th omni.

8 THE COURT: They'll be continued.

9 MS. BERAN: For status purposes.

10 THE COURT: For status.

11 MS. BERAN: Thank you, Your Honor. Item Number 23,
12 Your Honor, is the liquidating trust's seventh omnibus
13 objection. That does still have certain claimants, as
14 previously referred to as the A/B, claimants as identified on
15 Exhibit B. We'd respectfully request that that be -- all of
16 those be continued for status hearing to the March 6th omnibus
17 date.

18 THE COURT: They'll be continued to March 6.

19 MS. BERAN: Your Honor, that brings us to Page 40 on
20 agenda, Item Number 24, the liquidating trust's eighth omnibus
21 objection. As it relates to claims subject to that omnibus
22 objection, as identified on Exhibit B, there have been numerous
23 settlements of claims in that omnibus objection pursuant to
24 procedures previously approved by Your Honor. That -- those
25 items may be removed from the Court's docket.

1 And then, there still remains the A/B type
2 claimants/respondents, and we'd respectfully request that they
3 be continued for status purposes until the March 6th hearing
4 date.

5 THE COURT: Be continued to March 6.

6 MS. BERAN: Thank you, Your Honor. Item Number 25 is
7 the liquidating trust's ninth omnibus objection. Certain of
8 those matters have been settled pursuant to procedures approved
9 by Your Honor and therefore they may be removed from the
10 Court's docket.

11 In addition, as identified on Exhibit B, there are
12 additional responses/claimants in the A/B category and we'd
13 respectfully request that they be continued for status purposes
14 till the March 6th hearing.

15 THE COURT: They'll be continued to March 6.

16 MS. BERAN: Your Honor, that then I think brings us
17 -- as several of the liquidating trust's omnibus objections
18 have been completely resolved, that brings us to Item Number 26
19 which is the liquidating trust's thirteenth omnibus objection.
20 As it relates to that, Your Honor, I apologize. On Exhibit B,
21 it still refers to a status hearing on December 8th, 2011, as
22 opposed to -- it should have been revised to indicate the March
23 hearing date. And that's for the remaining claims of Mr. Bruce
24 Besanko. The agenda does have a March date. But, we'd
25 respectfully request that the omnibus objection as it relates

1 to Mr. Besanko's claims be continued for status purposes to the
2 March 6th omnibus hearing date.

3 THE COURT: It'll be continued.

4 MS. BERAN: Thank you, Your Honor. Item Number 27,
5 Your Honor, is the liquidating trust's fourteenth omnibus
6 objection. In connection with that, Your Honor, as you will
7 see on Exhibit B, there are certain of those claims that have
8 been resolved pursuant to procedures previously approved by
9 Your Honor. For the remaining ones identified on Exhibit B for
10 the A/B type category of claimants/respondents, we'd
11 respectfully request that they be continued for status purposes
12 until the March 6th omnibus hearing date.

13 THE COURT: All right. And this is where we've got
14 some amendments in your amended B, Schedule B. Looks like
15 you've settled a couple here.

16 MS. BERAN: Yes, Your Honor. I believe that that's
17 correct.

18 THE COURT: All right.

19 MS. BERAN: We did settle some since Tuesday and so
20 noted.

21 THE COURT: All right. So, if they're struck
22 through, then that means that they're -- they've been resolved.

23 MS. BERAN: Oh, I apologize Your Honor, no.
24 Actually, if they have been struck through, it appears that
25 they were previously on a -- on last month's -- last time's

1 status hearing and they should not have even been on this one.

2 THE COURT: Oh, okay. So, I was over exuberant in my
3 thoughts that perhaps we were making more progress. All right.

4 MS. BERAN: Well, actually, Your Honor, we have made
5 some progress because the last time what it was is, we agreed
6 to continue the status so that when the order was submitted, it
7 was withdrawing certain of what the trust was seeking. And so,
8 in order for the record to be clear, it was continued and then
9 with respect to the trust's withdrawal of such objection can
10 be established before responses were due.

11 THE COURT: Got it. All right. Thank you.

12 MS. BERAN: I thought, though, Your Honor, there were
13 some additional ones settled on the 14th but it doesn't -- I
14 mean, there were but not between Tuesday and now. I guess it's
15 an omni coming up.

16 Your Honor, on Item Number 28, the liquidating
17 trust's fifteenth omnibus objection, there have been certain of
18 those claims that have been resolved pursuant to procedures
19 approved by Your Honor. In addition, there's still the
20 category of A/B claimant/responses outstanding, as identified
21 on Exhibit B. And we'd respectfully request that that be
22 continued for status purposes until the March 6th date.

23 THE COURT: Now, here we do have some that have been
24 resolved. For instance, Liquidity Solutions, you note that
25 that's been resolved and can be removed. And there's another

1 one that you indicate, Marketplace of Rochester Hills --

2 MS. BERAN: Correct, Your Honor.

3 THE COURT: -- Parcel B.

4 MS. BERAN: Correct, Your Honor. And those would be
5 the additions from the original Exhibit B that was filed on
6 Tuesday. Those have been addressed since then.

7 THE COURT: Okay, good. All right.

8 MS. BERAN: That brings us to, then, to Page 51 on
9 the agenda, Your Honor, and that is the liquidating trust's
10 seventeenth omnibus objection. And as Your Honor will see, as
11 identified on Exhibit B, there are certain claims that have
12 been settled pursuant to procedures approved by Your Honor.
13 Therefore, those items may be removed from the Court's docket.

14 In addition, there are the A/B claimants outstanding
15 and we'd respectfully request that they be continued until the
16 March 6th omnibus hearing date.

17 THE COURT: They'll be continued.

18 MS. BERAN: Thank you, Your Honor. Your Honor, on
19 the liquidating trust's eighteenth omnibus objection, there are
20 still the A/B claimants outstanding as identified in Exhibit B.
21 And we'd respectfully request that they be continued for status
22 purposes until the March 6th omnibus.

23 THE COURT: They'll be continued.

24 MS. BERAN: Thank you, Your Honor. Your Honor, I
25 believe then nineteen has been closed out. That brings us to

1 the liquidating trust's twentieth omnibus objection. As
2 identified on Exhibit B, there are certain of those claims that
3 have been settled pursuant to procedures previously approved by
4 this Court and therefore the -- those items may be removed from
5 the Court's docket.

6 As to the remaining items identified on A/B, they are
7 subject to the two categories of respondents/claimants
8 previously described and we'd respectfully request that they be
9 continued for status hearing to the March 6th date.

10 THE COURT: All right. They'll be continued. Now,
11 here again, you've got Port Arthur Holdings. It looks like it
12 just recently settled because that's one of your black line
13 items.

14 (Pause)

15 THE COURT: On Page 102 of your amended --

16 MS. BERAN: I apologize, Your Honor. I'm just trying
17 to -- yes, Your Honor.

18 THE COURT: All right.

19 MS. BERAN: That then brings us to Item Number 32 on
20 Page 54 which is the liquidating trust's twenty-first omnibus
21 objection. In addition, Your Honor, certain of those items
22 have settled pursuant to procedures approved by Your Honor.
23 Therefore, they may be withdrawn from the Court's docket or
24 removed from the Court's docket.

25 In addition, there are still the A/B

1 respondents/claimants, and we'd respectfully request that they
2 be continued for status purposes until the March 6th omnibus
3 hearing date.

4 THE COURT: They'll be continued to the March 6th
5 date.

6 MS. BERAN: Thank you, Your Honor. Your Honor, that
7 brings us to Item Number 33 which is the liquidating trust's
8 twenty-third omnibus objection. As identified on Exhibit B,
9 there are certain items on there that have settled pursuant to
10 procedures previously approved by Your Honor. Therefore, those
11 items may be removed from the Court's docket.

12 There are also the category of A/B
13 claimants/respondents that are still subject to that objection
14 and we'd respectfully request that they be continued until the
15 March 6th omnibus date.

16 THE COURT: That'll be continued.

17 MS. BERAN: Thank you, Your Honor. Your Honor, in
18 connection with the twenty-fourth omnibus objection, as
19 identified on Exhibit B, I believe there is at least one
20 claimant after further exchange of information who has
21 indicated that there is no objection to the relief requested in
22 the motion and, therefore, that status column has been changed
23 to reflect the same.

24 Then there are remaining the A/B category of
25 claimants/respondents and we'd respectfully request that the

1 matter be continued for status purposes to the March 6th
2 omnibus hearing date.

3 THE COURT: It'll be continued.

4 MS. BERAN: Thank you, Your Honor. Your Honor, Item
5 Number 35 is the liquidating trust's twenty-fifth omnibus
6 objection. As identified on Exhibit B, there are similarly two
7 claimants after exchange of information who have indicated that
8 there's no objection to the relief sought in the objection and,
9 therefore, that will be addressed in the order, as your -- that
10 will be tendered to Your Honor.

11 As Your Honor will see on Exhibit B, then, there are
12 the remaining A/B type claimants/respondents and we'd
13 respectfully request that they be continued for status purposes
14 until the March 6th omnibus date.

15 THE COURT: They'll be continued.

16 MS. BERAN: Thank you, Your Honor. Your Honor, that
17 brings us to Item Number 36 which is the liquidating trust's
18 twenty-sixth omnibus objection. As identified on Exhibit B,
19 there are the claimants in the A/B category of
20 claimants/respondents. We'd respectfully request, as
21 identified on Exhibit B, that those items be continued until
22 the March 6th omnibus date.

23 THE COURT: They'll be continued.

24 MS. BERAN: Thank you, Your Honor. Your Honor, that
25 brings us to Item Number 37, with respect to the liquidating

1 trust's twenty-seventh omnibus objection. The -- as identified
2 on amended Exhibit B, one additional one has settled. There
3 was one other one where there was no objection after an
4 exchange of information. When I say no --

5 THE COURT: That's the Kansas Department of Revenue?

6 MS. BERAN: Yes, Your Honor. There was -- been
7 exchange of information as it relates to the Kansas Department
8 of Revenue and Kansas has since informed us that they do not
9 object to the relief sought. And so, that objection may be
10 sustained.

11 THE COURT: Okay.

12 MS. BERAN: And then, there is the additional one
13 that settled with the Laredo Community College.

14 THE COURT: All right.

15 MS. BERAN: Your Honor, as it relates to -- there is,
16 in essence, I think only one in which we're in discussions in
17 connection with the twenty-seventh omnibus objection and we've
18 agreed to continue. And I've actually filed a response. As it
19 relates to all the other ones, your Honor, we'd respectfully
20 request that the objection be sustained and we'll be tendering
21 an order accordingly.

22 THE COURT: The objection will be sustained as to the
23 others.

24 MS. BERAN: Thank you, Your Honor. Your Honor, as it
25 relates to the liquidating trust's twenty-eighth omnibus

1 objection --

2 THE COURT: Just so I'm clear, the only one, then, in
3 omnibus twenty-seven that is being continued to the March 6th
4 status conference is the Ohio Department of Taxation. And
5 then, you've settled the one claim of Laredo. No -- and then,
6 we're sustaining the objections with regard to everybody else.

7 MS. BERAN: Correct, Your Honor.

8 THE COURT: Got it, all right.

9 MS. BERAN: Thank you, Your Honor. Your Honor, then,
10 as it relates to the twenty-eighth omnibus objection, in
11 connection with that, as Your Honor will see on Exhibit -- the
12 amended Exhibit B, that there was no objection -- after an
13 exchange of information, there was no objection to the relief
14 sought in the objection. As well, then, there have been I
15 believe one or two that have been settled.

16 In addition, Your Honor will see that we've added on,
17 I think it was one whereby we agreed to continue it, even
18 though a response hadn't been -- because we were in discussions
19 with that particular attorney on some other claims and just --
20 it was assumed and now it's clarified. And so, we're
21 continuing that one, as well.

22 The others, as identified on Exhibit B, in the A/B
23 category, we'd respectfully request they be continued for
24 status purposes until the March 6th omnibus date. But then,
25 we'd respectfully request that, as it relates to all other

1 claims subject to that objection, that the objection be
2 sustained.

3 THE COURT: All right. The others will be sustained,
4 except for those listed on Exhibit B that are being continued
5 to March 6 for status.

6 MS. BERAN: Thank you, Your Honor. Your Honor, I
7 believe that brings us to the end of the items that are on the
8 Court's docket today. To the extent Your Honor has any
9 questions and/or concerns, we're happy to entertain those. As
10 I indicated, I do believe Mr. Caine's on the line, I'm here,
11 and Ms. Bradshaw is available.

12 THE COURT: The Court doesn't have any specific
13 questions of counsel for today.

14 MS. BERAN: Thank you, Your Honor. I did alert Your
15 Honor's scheduling clerk that the other trial that was
16 scheduled for later this month has been resolved. And,
17 therefore, both trials that were scheduled for later this month
18 have been resolved and have been removed from Your Honor's
19 calendar.

20 THE COURT: I was made aware of that yesterday. And,
21 again, that indicates that we're making good progress as far as
22 those claims are concerned. And I'm pleased to see that
23 they're settling. We should have set them all in January.

24 (Laughter)

25 MS. BERAN: Yes, Your Honor.

1 THE COURT: Anything further, Ms. Beran?

2 MS. BERAN: No, Your Honor.

3 THE COURT: All right. Thank you. Continue your
4 good work.

5 MS. BERAN: Thank you, Your Honor.

6 COURTROOM DEPUTY: All rise. Court is now adjourned.

7 * * * * *

8 C E R T I F I C A T I O N

9 I, STEPHANIE SCHMITTER, court approved transcriber,
10 certify that the foregoing is a correct transcript from the
11 official electronic sound recording of the proceedings in the
12 above-entitled matter, and to the best of my ability.

13

14

15 /s/ Stephanie Schmitter

16 STEPHANIE SCHMITTER

17 J&J COURT TRANSCRIBERS, INC. DATE: January 17, 2012

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